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Frederic Gaviot

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EXAMINER

HOSSAIN, FARZANA E

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2424

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to communications filed 02/10/2009. Claims 1-8 are amended.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Priority***

3. Receipt is acknowledged of the prior filed foreign application. Applicant's specification should acknowledge the foreign application.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2424

5. Claims 1-2 and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Neel et al (US 5,838,314 and hereafter referred to as "Neel").

Regarding Claim 1, Neel discloses a method using a telecommunication system (Figure 1) to enable a service provider (Figure 1, 100, 114, 118) to differentiate among a plurality of subscriptions originated by a plurality of users to a service in respect of processing one or more input broadcast programs (Column 10, lines 21-24), each input broadcast program comprising at least one particular event (Column 3, lines 63-67, Column 4, lines 1-4, Column 9, lines 38-50), the method comprising:

Generating an information signal or a programming signal on a broadcast medium (Figure 1, 116, Figure 1, 112, 116, Column 7, lines 35-45, Column 9, lines 4-15, 18-20) consisting essentially of control information including the control screen and signals allowing users to choose between subscriptions and movies (Column 14, lines 56-64, Column 17, lines 35-50, Figure 7a) and an input broadcast program comprising at least one particular event (Column 17, lines 35-50);

Transmitting the information signal to each user (Column 17, lines 45-50, Figure 1, 116);

Offering the plurality of subscriptions having various subscriptions durations to the user as there is a pay level and a free level which is longer by fifteen minutes (Column 17, lines 45-50, Figure 7a);

The user making a choice of subscription using a device comprising means for selecting (Figure 1, 124, Figure 7a, Column 17, lines 45-61);

Configuring the particular event on the basis of the chosen subscription (Column 17, lines 57-67); and

Validating the user's choice of subscription and configuring the means for selecting (Column 17, lines 45-61);

Wherein the means for selecting (Figure 1, 124) operates on the input broadcast program comprising at least one particular event to selectively provide an output broadcast program or the input program relies on the program including the advertisement, the particular event being included in the output broadcast program according to the chosen subscription in accordance with the control information or based on the control information or information that determines which subscription the user will select and may or may not include the particular event or advertisement (Figure 4, 606, 608, 610, Column 17, lines 50-64).

Regarding Claim 2, Neel discloses all the limitations of Claim 1. Neel discloses that the control information contains a table of events or a database of advertisements (Column 18, lines 11-42). It is necessarily included that a database is organized structure of information which can be interpreted to be a table of information. Neel discloses the means for selecting being suitable for selecting a particular event on the basis of an event status value in the table or database (Column 18, lines 16-42, Figure 7a).

Regarding claim 4, Neel discloses all the limitations of Claim 1. Neel discloses the particular event includes at least one advertisement (Figure 7a).

Regarding claim 5, Neel discloses all the limitations of Claim 1. Neel discloses the act of the user making the choice of the subscription comprises an act of selecting one subscription from among several subscriptions including different programs and a pay level and free level for the different programs offered on a graphics interface in communication with the device (Figure 7a, Column 10, lines 18-30, Column 8, lines 61-64).

Regarding claim 6, Neel discloses all the limitations of Claim 1. Neel discloses the validating step is implemented by the service provider by sending the device a signal characteristic of the chosen subscription (Figure 4, 606, 608, 610), the signal being suitable for configuring the means for selecting as a function of the chosen Subscription as the service provider sends either the paid version of the program or the free unpaid version with the particular event (Figure 4, 606, 608, 610, Column 50-64).

Regarding Claim 7, Neel discloses a device for presenting an output broadcast program in accordance with a subscription chosen by a user (Figure 7a), the device comprising:

A means for receiving an information signal or the receiver (Figure 1, 112) receiving a programming signal via the broadcast medium (Figure 1, 116, Column 7, lines 35-45) consisting essentially of control information including the control screen and signals allowing users to choose between subscriptions and movies (Column 14, lines 56-64, Column 17, lines 35-50, Figure 7a) and an input broadcast program having at least one particular event or an advertisement (Figure 7a, Column 17, lines 45-61);

Means for selecting the particular event configurable by a provider of the information signal on the basis of the subscription chosen by the user (Column 17, lines 45-61) for at least one of various durations as there is a pay level and a free level which is longer by fifteen minutes (Column 17, lines 45-50, Figure 7a),

Wherein the selecting means operating on the input program having at least one particular event to selectively provide the output program (Figure 4, 608), the particular event being included in the output broadcast program according to the subscription chosen by the user in accordance with the control information based on the control information or information that determines which subscription the user will select and may or may not include the particular event or advertisement (Figure 4, 606, 608, 610, Column 17, lines 50-64).

Regarding Claim 8, Neel discloses a device for presenting an output broadcast program (Figure 7a), the device comprising:

means for receiving an information signal or a programming signal via the broadcast medium (Figure 1, 112, 116, Column 7, lines 35-45, Column 9, lines 4-15, 18-20) consisting essentially of control information including the control screen and signals allowing users to choose between subscriptions and movies (45, Column 9, lines 4-15, 18-20, Column 14, lines 56-64, Column 17, lines 35-50, Figure 7a) and an input broadcast program having at least one particular event or an advertisement (Figure 7a, Column 17, lines 45-61, 45, Column 9, lines 4-15, 18-20);

Means for selecting the particular event configurable by a provider of the information signal on the basis of the subscription chosen by the user (Column 17, lines 45-61) for at least one of various durations as there is a pay level and a free level which is longer by fifteen minutes (Column 17, lines 45-50, Figure 7a),

Wherein the selecting means operating on the input program having at least one particular event to selectively provide the output program (Figure 4, 608), the particular event being included in the output broadcast program according to the subscription chosen by the user in accordance with the control information based on the control information or information that determines which subscription the user will select and may or may not include the particular event or advertisement (Figure 4, 606, 608, 610, Column 17, lines 50-64).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neel in view of Slezak (US 6,006,257).

Regarding Claim 3, Neel discloses all the limitations of Claim 1. Neel discloses the device comprises means for accelerated reading of a recorded program (Column 4,

Art Unit: 2424

lines 41-44, Column 10, lines 45-50). Neel is silent on deactivating the accelerated reading means. Slezak discloses the device comprises means for accelerated reading of the program (Column 9, lines 22-24); and means for deactivation for deactivating the accelerated reading means (fast-forwarding) of the program during the particular event in respect of a specified subscription in accordance with control information or control data defining the subscription as a one which a viewer must view the advertisement to get a free or reduced cost programming and a forward shift is not allowed until the must view event is viewed. (Column 9, lines 53-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Neel to include means for deactivation for deactivating the accelerated reading means (fast-forwarding) of a recorded program during the particular event in respect of a specified subscription in accordance with control information (Column 9, lines 53-60) as taught by Slezak in order to make sure that the viewer is actually watching the commercials to get a reduced cost or free programming (Column 9, lines 38-60) as taught by Slezak.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2424

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA HOSSAIN whose telephone number is (571)272-5943. The examiner can normally be reached on Monday-Friday 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2424

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/  
Supervisory Patent Examiner, Art  
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FEH  
May 14, 2009